

### **REMARKS**

The Office Action dated October 31, 2005 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 4, 5, 7, 8, 9, 11, 13, 15, 16, 19, 23, 25, 27, 29, 32 are amended to particularly point out and distinctly claim the subject matter of the invention. No new matter is added. Claims 1-32 are respectfully submitted for consideration.

The Office Action objected to claims 16, 29, and 32 because of typographical informalities. Applicants respectfully submit that the amendments to claims 16, 29 and 32 obviate the objection of these claims. Accordingly, withdrawal of the objection is respectfully requested.

The Office Action rejected claims 1-32 under 35 U.S.C. 112 second paragraph, as being indefinite. Applicants respectfully submit that the amendments to the claims identified in the Office Action as described below, overcome the rejections of these claims.

Regarding claims 1, 13, 27, and 29, these claims are amended to recite "the at least one authenticator" to provide proper antecedent basis for the claimed elements.

Regarding claims 4, 5, 8, 9, 11, 12, 15, 19, 23, 25, 27 and 28, Applicants respectfully submit that these claims are amended to particularly point out and distinctly claim the subject matter of the recited claims.

Applicants respectfully submit that each of claims 1-32 particularly point out and distinctly claims the subject matter of the present invention. Accordingly, withdrawal of the rejection of these claims under 35 U.S.C. 112, second paragraph is respectfully requested.

The Office Action rejected claims 23-28 under 35U.S.C. 103(a) as being obvious over US Patent No 6,659,861 to Faris et al. (Faris), in view of US Patent No. 6,138,158 to Boyle et al. (Boyle). The Office Action took the position that Faris disclosed all of the features of these claims except for the feature that the message is an indication that the proxy server is holding data for the destination server to upload. The Office Action asserted that Boyle disclosed this feature. Applicants respectfully submit that the cited references taken individually or in combination, fail to disclose or suggest all of the features of the above claims.

Claims 23, from which claims 24-28 depend, recites a method of preventing upload overloads of data from a plurality of clients at different locations within a network to a common destination server in the network. The method includes providing a common destination server in a network, the common destination server set up to receive data from a plurality of clients. The method further includes providing a plurality of upload proxy servers remote from the common destination server, and each client sending data, which is intended for the common destination server, to at least a corresponding one of the upload proxy servers. The method further includes sending a message, which is smaller in size than the data of a client, to the common destination

server to indicate that the common destination server needs to check the corresponding one of the upload proxy servers, and upload data from the corresponding one of the upload proxy servers. Further, the method includes uploading by the common destination server the data of a client at some time after the message such that a plurality of clients trying to send data to the common destination server at essentially the same time is less likely to overload the common destination server and its connection to the network.

Applicants submit that cited references fails to disclose or suggest all of the features of the above claims.

Faris is directed to an internet-based system for enabling a time-constrained competition among a plurality of participants over the internet. Faris discloses a plurality of Global Synchronization Unit-enabled client machines, each with a Global Synchronization Unit (GSU). Further, at column 24 lines 34-38, Faris discloses that a client machine is connected to a global synchronization unit (GSU) and at column 36 lines 54-58 discloses that the GSU (alleged authenticator) “generates digitally signed time and space stamp for the response.” Thus, Faris teaches that the GSU is a part of the client device. The Office Action admits that Faris is deficient in that Faris fails to disclose or suggest the feature of a message that is an indication that the proxy server is holding data for the destination server to upload, as recited in claim 23. However, the Office Action alleges that Boyle makes up for this deficiency.

Applicants respectfully submit that the cited references taken individually or in

combination fail to disclose or suggest all of the features recited in claim 23. Specifically, Boyle fails to make up for the admitted deficiencies of Faris.

Boyle is directed to a method and system of pushing and pulling data using wideband and narrowband transport systems. In Boyle several two-way interactive devices are nodes in a distributed network. Therefore, the devices can access hypermedia or hierarchic layers of information that is stored in server devices on the network. When one or more pages of information are updated, rather than sending the entire updated information to users of the devices that subscribe to the updated information through the network, Boyle describes sending a notification to a proxy server that forwards the notification to the users using a messaging system via a low cost narrowband channel. Upon receiving the notification, the users can fetch the updates when needed through a wideband channel (See Boyle column 6 line 57 – column 7 line 16).

As stated above, claim 23 recites at least in part, sending a message, which is smaller in size than the data of a client, to the common destination server to indicate that the corresponding one of the at least one proxy server is holding data to be uploaded by the common destination server.

In contrast, Boyle, at column 7 lines 13-16, discloses that the link server device 114 (alleged proxy server), receives a notification or a piece of electronic message from a web server device (“Web server device 202 pushes a notification or a piece of electronic message to link server device 114 when there is a change or update to the

information subscribed by mobile device 106.”). Thus, in Boyle, the link server 114 (alleged proxy server) receives the indication, and not the common destination server as recited in claim 23. Therefore, Boyle fails to cure the admitted deficiencies of Faris. Accordingly, the cited combination of references fails to disclose or suggest all of the features recited in claim 23.

Applicants further submit that because claims 24-28 depend from claim 23, these claims are allowable at least for the same reasons as claim 23. Further, Applicants submit that the cited references fail to disclose or suggest all of the features recited in these dependent claims.

Based at least on the above, Applicants respectfully submit that the cited references taken individually or in combination, fail to disclose or suggest all of the features recited in claims 23-28. Accordingly, withdrawal of the rejection of these claims under 35 U.S.C. 103(a) is respectfully requested.

Applicants respectfully submit that each of claims 1-32 recite features that are neither disclosed nor suggested in any of the cited references. Accordingly, Applicants respectfully request that each of claims 1-32 be allowed and this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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